

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. EDCV 23-898-MWF(KKx) Date: June 15, 2023

Title Teresa Colunga v. Walmart, Inc.

Present: The Honorable: MICHAEL W. FITZGERALD, United States District Judge

Rita Sanchez
Deputy Clerk

Not Reported
Court Reporter / Recorder

Attorneys Present for Plaintiffs:
Not Present

Attorneys Present for Defendants:
Not Present

**Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE FOR FAILURE TO
PARTICIPATE IN JOINT RULE 26(f) REQUIREMENTS; ORDER
VACATING SCHEDULING CONFERENCE**

The Court has reviewed the docket report and identifies the following:

- May 17, 2023: Defendant Walmart, Inc. (“Walmart”) removed this action from the superior court. (“NoR” (Docket No. 1)). The NoR included Walmart’s Answer to Complaint. (Docket No. 1-1).
- May 19, 2023: the Court filed an Order Setting Scheduling Conference; the Joint Rule 26(f) Report was due June 12, 2023; the hearing was set for June 26, 2023 at 11:00 a.m. (Docket No. 8).
- June 12, 2023: Walmart filed a unilateral Rule 26(f) Report. (Docket No. 9). Counsel for Walmart stated that he was unable to make contact with Plaintiff’s counsel to meet and confer to prepare the Joint Rule 26(f) Report. (Docket No. 9-1).

The docket reflects that the attorney of record for Plaintiff Teresa Colunga is Shaun Bauman of the Bauman Law APLC firm. Sean Costa, counsel for Walmart, and Lara Boyko, an assistant in the Bauman Law firm, and Nareh Terzian, identified in Mr. Costa’s declaration as an attorney in the Bauman Law firm, have communicated regarding this case via email as evidenced by the exhibits to Mr. Costa’s declaration. (Docket Nos. 9-2, 9-3, 9-4 and 9-5).

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The Court now **ORDERS** Plaintiff to **SHOW CAUSE** (the “OSC”), in writing, why this action should not be dismissed for lack of prosecution. In addition to Plaintiff’s response to the OSC, the Court requires Plaintiff’s counsel to initiate contact with counsel for Walmart forthwith. After conferring with counsel for Walmart, **Plaintiff** shall file a **JOINT Rule 26(f) Report (including a completed, required Schedule of Pretrial and Trial Dates Worksheet)** by **no later than JUNE 30, 2023**. If a response to the OSC and a Joint Rule 26(f) Report are not timely filed, this action will be **dismissed with prejudice**.

The June 26, 2023 Scheduling Conference is **VACATED** and no appearances will be made. The Court will issue pretrial and trial dates based on the to-be-filed Joint Rule 26(f) Report.

IT IS SO ORDERED.